

## **General Assembly Appropriations Committee**

### **Testimony Feb. 20, 2013 by James H. Smith, President, Connecticut Council on Freedom of Information**

Ladies and Gentlemen,

Thank you for your time. My name is James H. Smith. I am the president of CCFOI, which has worked closely with the Legislature for more than 50 years to keep the people's government open to the people.

I am here tonight to warn against Gov. Malloy's unfortunate reaching for power over the watchdog agencies, in particular the Freedom of Information Commission. This legislature and Gov. Ella Grasso created the FOIC in 1975 with these words: "The legislature finds and declares that secrecy in government is inherently inconsistent with a true democracy, that the people have a right to be fully informed of the action taken by public agencies in order that they may retain control over the instruments they have created. . ."

The governor's proposal puts the watchdog agencies directly under his control through his appointed administrator of the so-called Office of Government Accountability. The governor is at the very least tone deaf to the necessity of having governmental watchdogs remain independent of the executive power. A watchdog simply cannot be leashed by the entity it is supposed to be watching.

Since Mr. Malloy's ill-advised proposal, several news organizations have forcefully opposed his actions. They include:

**The Lakeville Journal:** gutting the agencies that hold those who run the state accountable is at least questionable, if not suspect. The good people of Connecticut deserve to have those watchdogs keeping their elected and appointed officials honest, but they cannot do it effectively if the governor's proposals are accepted.

**The Hartford Courant:** Mr. Malloy has drawn the noose tighter. He will submit legislation to turn the Office of Government Accountability and its once-independent watchdog offices into even more compromised appendages of the governor's office. . . . It's hard to see how this better serves the public or to understand why Mr. Malloy has embarked on this campaign of destruction unless it is to silence the watchdogs.

**The Day of New London:** We view this power grab... seriously. The legislature should reject the governor's proposal and retain the integrity and independence of these vital guarantors of honest government.

**The Advocate of Stamford:** Given that (these) agencies could be called on to investigate, for example, whether or not a governor broke state ethics codes, or whether an administration must make public documents it is trying keep secret, the conflict of interest created by giving the

governor's office such control over them could not be more clear. . . The OGA . . . is a mess. . . the way to clean up that mess is to make the regulatory agencies completely autonomous once again. It isn't to double down and make a bad situation worse. The current model invites power struggles within the OGA. The new model would invite corruption in the executive branch of state government. It is an invitation this state does not need.

I spent a 40-year career at newspapers in every corner of Connecticut. I have been inspired by such figures as the great Supreme Court Justice Hugo Black, who wrote in 1971: "The Founding Fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors. The Government's power to censor the press was abolished so that the press would remain forever free to censure the Government."

Our Connecticut press and CCFOI is calling loudly and clearly for the continued independence of the FOIC, and the ethics commission, elections enforcement and the other watchdogs. I hope you heed these admonitions from Connecticut's editors and publishers. They have always stood for the people's right to know what their government is doing. I am sure you share these values.

After all, it is the Connecticut General Assembly that created our Freedom of Information Commission.

Thank you.